



**PLANT PATENT
APPLICATION (35 U.S.C. 161)
DECLARATION (37 C.F.R. 1.63)**

Declaration Submitted with Initial Filing

OR

Declaration
Submitted after Initial
Filing (surcharge
(37 CFR 1.16(e))
required)

| | |
|-----------------------------|---|
| Attorney Docket No. | 006450-410 |
| First Named Inventor | KATHLEEN K. MESERVE <i>COMPLETE IF KNOWN</i> |
| Application Number | 10/700,482 |
| Filing Date | November 5, 2003 |
| Art Unit | 1661 |
| Examiner Name | Unknown |

As a below named inventor, I hereby declare that:

My residence, mailing address, and citizenship are as stated below next to my name;

I believe I am the original and first inventor of the new and distinct variety of:

Ilex x Koehneana

Plant named: 'Conayule'

which is claimed and for which a plant patent is sought, the specification of which:

is attached hereto **OR** was filed on (MM/DD/YYYY) **November 5, 2003** as United States Application Number **10/700,482** and was amended on (MM/DD/YYYY) **(if applicable).**

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claim, as amended by any amendment specifically referred to above.

I have asexually reproduced the plant to which this application applies.

Said plant was found in a cultivated area (check this box for newly found plant only)

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the National or PCT International filing date of the continuation- in-part.

I hereby claim foreign priority benefits under Title 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed.

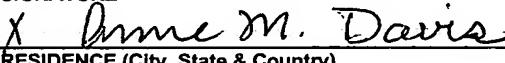
I hereby appoint the attorneys and agent(s) associated with the following PTO Customer Number of Burns, Doane, Swecker & Mathis, L.L.P. to prosecute said application and to transact all business in the Patent and Trademark Office connected therewith and to file, prosecute and to transact all business in connection with international applications directed to said invention:

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

| NAME OF SOLE OR FIRST INVENTOR | |
|---|--|
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